

IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF IOWA
CENTRAL DIVISION

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|--|---|---|
| Cara Williams, Johnita Slaughter, |) | |
| Mandre Miller, James Collier, Teresa |) | |
| Jones, Chance Kenyon, Anthony Williams, |) | Case No. 4:15-cv-000038 |
| Dwann Jones and LeRoy Fields-Campbell, |) | |
| individually and on behalf of a putative class |) | |
| of similarly situated individuals, |) | |
| |) | Defendant Wells Fargo Bank, N.A.’s |
| Plaintiffs, |) | Motion for Summary Judgment |
| |) | |
| v. |) | (Oral Argument Requested) |
| |) | |
| Wells Fargo Bank, N.A., |) | |
| |) | |
| Defendant. |) | |
| |) | |

Defendant Wells Fargo Bank, N.A. (“*Wells Fargo*”), through the undersigned counsel and pursuant to Fed. R. Civ. P. 56 and L.R. 56, states for its Motion for Summary Judgment:

1. This case has been on file before this Court since removal papers were filed on February 5, 2015. Discovery has been exchanged.
2. In their Fourth Amended Complaint, Plaintiffs make disparate impact and disparate treatment race discrimination claims under the Title VII, 42 U.S.C. § 2000e *et seq.* Wells Fargo raises a number of defenses in its answer and affirmative defenses, most notably in connection with application of 12 U.S.C. § 1829 (“*Section 19*”) to the undisputed material facts.
3. Those undisputed material facts are established by the record presented with this motion, including the contemporaneously filed Appendix and the evidence it contains.
4. Summary judgment should be granted for Wells Fargo and against Plaintiffs under the controlling record as applied to the undisputed material facts. The grounds for summary judgment include:

- a. Because Plaintiffs were not lawfully eligible for employment and could not meet employer qualification expectations, as a matter of law they cannot make a cognizable case of race discrimination.
- b. The interplay between Plaintiffs' disqualifying criminal convictions and Section 19 left them ineligible to work for Wells Fargo.
- c. Section 19 stands as a total bar and absolute defense to Plaintiffs' race discrimination claims.
- d. Plaintiffs cannot establish pretext or causation for race discrimination because Wells Fargo's actions were required by federal law.
- e. The actions Plaintiffs challenge were job-related and consistent with business necessity as a matter of law.
- f. Wells Fargo was not obligated to adopt Plaintiffs' suggested alternative practices, which are not reasonable, practical, or effective, and did not discriminate against them based on their race by not doing so.
- g. Constitutional standing prevents Plaintiffs from proceeding in this lawsuit.

5. Based on the summary judgment evidence of record as submitted in its Statement of Undisputed Material Facts, Declarations, and Appendix of Exhibits; the reasons noted in this motion; and the arguments and law contained in Wells Fargo's simultaneously submitted Brief, Defendant respectfully requests that complete summary judgment be granted for it and against Plaintiffs pursuant to Fed. R. Civ. P. 56 and L.R. 56.

6. Wells Fargo requests the opportunity to present oral argument on this motion. Good cause exists for oral argument in light of the controlling law of Section 19 and its effect as a bar or

defense to the race discrimination claims brought by the Plaintiffs under the undisputed material facts.

7. Defendant contemporaneously is filing its Statement of Undisputed Material Facts, Appendix of Exhibits, and Motion for Overlength Brief and also is conditionally filing its Brief in Support of Its Motion for Summary Judgment. Those filings are incorporated here by this reference and constitute the record and written argument on this Rule 56 motion.

WHEREFORE, Defendant Wells Fargo Bank, N.A. respectfully requests that this Court grant its Motion for Summary Judgment, enter judgment in its favor and against Plaintiffs, assess Plaintiffs the costs of this action, and award Defendant all such other relief permitted by statute and as otherwise is just and equitable.

Dated: February 26, 2016.

FAEGRE BAKER DANIELS LLP

/s/ Michael A. Giudicessi

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Certificate of Service

The undersigned hereby certifies that a true copy of the foregoing **Defendant Wells Fargo Bank, N.A.'s Motion for Summary Judgment (Oral Argument Requested)** was served upon the Plaintiffs through the Court's CM/ECF filing system on the 26th day of February, 2016.

/s/ Trisha Richey

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